

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-227-C - ORDER NO. 2008-567  
AUGUST 15, 2008

IN RE: Nolas Trading Company, Inc. ,	)	ORDER GRANTING
	)	MOTION TO DISMISS
Complainant,	)	
	)	
v.	)	
	)	
BellSouth Telecommunications, Inc. DBA	)	
AT&T South Carolina,	)	
	)	
Respondent.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T" or "the Company") to dismiss the complaint of Nolas Trading Company, Inc. ("Nolas" or "the Complainant") on the grounds that (1) the Complaint is not signed by an attorney authorized to practice in South Carolina and does not comply with the Commission's pleading requirements; and (2) the Complaint addresses, in whole or in part, matters over which the Commission has no jurisdiction. In the alternative, AT&T requests that the Commission rule that the Complaint is dismissed unless, within 90 days of the date of its Order, the Complainant retains counsel and files a Complaint that conforms to the Commission's rules. We grant the Motion to Dismiss, without prejudice, based on the second ground of the Motion.

Although it is difficult to fully determine, it appears that Nolas' claims address matters not regulated by this Commission, namely internet access service, DSL service, and interior wiring. These matters are clearly outside the jurisdiction of this Commission. We hold that we lack subject matter jurisdiction over the matters presented in the Complaint pursuant to federal and state law, including S.C. Code Ann. Sections 58-9-280(G)(1) and 58-9-285 (Supp. 2007), and therefore, this Complaint must be dismissed.

In addition, while the Commission's Rules of Practice and Procedure allow an individual to represent himself or herself in an individual capacity in proceedings before the Commission, they do not authorize individuals not admitted to the South Carolina Bar to represent corporations such as the Complainant in proceedings before the Commission. 26 S.C. Code Ann. Regs. 103-804 (T) (Supp. 2007). The South Carolina Supreme Court has held that corporations may be represented by non-lawyer officers, agents, or employees only in civil magistrate's proceedings and where state agencies have promulgated regulations allowing non-lawyer representatives to appear and represent clients before them. In re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar, 309 S.C. 304, 422 S.E.2d 123 (1992). No attorney has entered an appearance on behalf of the Complainant corporation. Because this Commission has not adopted regulations authorizing non-lawyers to represent corporations before it, this Complaint must be dismissed.

Accordingly, if indeed Nolas has a complaint concerning matters over which this Commission has jurisdiction, it must retain legal counsel and file another complaint. Any new complaint should contain "[a] concise and cogent statement of the factual situation

surrounding the complaint” and “[a] statement identifying the specific relief sought...”  
26 S.C. Code Ann. Regs. 103-824 (Supp. 2007). Again, the nature of the complaint and  
the relief sought in the present complaint were difficult to ascertain.


For the reasons set forth above, the Motion to Dismiss the present Complaint is  
granted, without prejudice to Nolas’ ability to file a new complaint through retained  
counsel if it so chooses.

This Order shall remain in full force and effect until further order of the  
Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman

(SEAL)